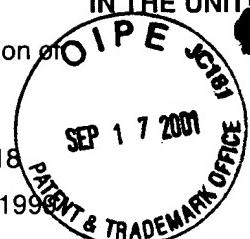


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BROWN et al

Serial No. 09/117,218



Atty Dkt. 620-70

C# M#

Group Art Unit: 1632

Examiner: Nguyen, Q.

Date: September 17, 2001

Title: TREATMENT OF NON-NEURONAL CANCER
USING HSV MUTANT

Assistant Commissioner for Patents

Washington, DC 20231

1132

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SEP 20 2001

TECH CENTER 1600/2900

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment	0	minus highest number		
previously paid for	20	(at least 20) =	0 x \$ 18.00	\$ 0.00
Independent claims after amendment	0	minus highest number		
previously paid for	3	(at least 3) =	0 x \$ 80.00	\$ 0.00
If proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)				\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$390.00/2 months; \$890.00/3 months)				\$ 890.00
Terminal disclaimer enclosed, add \$ 110.00				\$ 0.00
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$710.00)				\$ 0.00
<input type="checkbox"/> Please enter the previously unentered , filed				
<input type="checkbox"/> Submission attached				
			Subtotal	\$ 890.00
If "small entity," then enter half (1/2) of subtotal and subtract				-\$ 0.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith				
Rule 56 Information Disclosure Statement Filing Fee (\$180.00)				\$ 0.00
Assignment Recording Fee (\$40.00)				\$ 0.00
Other:				0.00
			TOTAL FEE ENCLOSED	\$ 890.00

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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BJS:eaw

NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: _____

#13
9-20-01
P2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BROWN et al

Serial No. **09/117,218**

Filed: **January 11, 1999**

For: **TREATMENT OF NON-NEURONAL CANCER
USING HSV MUTANT**



Atty. Ref.: **620-70**

Group: **1632**

Examiner: **Nguyen, Q.**

September 17, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

AMENDMENT

Responsive to the Official Action dated March 15, 2001, entry and consideration of the following amendments and remarks are requested; the period for response having been extended up to and including September 15, 2001, by submission of the requisite petition and fee, attached.

IN THE CLAIMS

Amend the claims as follows:

13. (Amended) A method of treating a non-neuronal cancer in a mammal, said method comprising the step of injecting a mammal intratumorally with an effective amount of a mutant herpes simplex virus which has been modified in the γ 34.5 gene such that the gene is non-functional, and wherein the mutant virus infects, replicates